



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0265/1  
PEN;jlg:km

**ASSEMBLY AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 57**

April 22, 1999 – Offered by COMMITTEE ON TRANSPORTATION.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1c.** 340.01 (8) (d) of the statutes is amended to read:

4 340.01 (8) (d) The vehicle is transporting hazardous materials requiring  
5 placarding.”.

6 **2.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1g**”.

7 **3.** Page 2, line 2: after “materials” insert “requiring placarding”.

8 **4.** Page 2, line 4: after that line insert:

9 “**SECTION 1L.** 343.04 (1) (c) 2. of the statutes is amended to read:

10 343.04 (1) (c) 2. The vehicle is transporting hazardous materials requiring  
11 placarding.

12 **SECTION 1p.** 343.04 (2) (a) of the statutes is amended to read:

1           343.04 (2) (a) *Hazardous materials transporter.* Hazardous materials  
2 transporter vehicles are vehicles transporting hazardous materials requiring  
3 placarding.

4           **SECTION 1t.** 343.055 (1) (c) of the statutes is amended to read:

5           343.055 (1) (c) *Farmers.* The operator of the commercial motor vehicle is a  
6 farmer who is using the commercial motor vehicle within 150 miles of the operator’s  
7 farm to transport agricultural products, farm machinery or farm supplies including  
8 transporting hazardous materials requiring placarding or a combination thereof to  
9 or from a farm and the commercial motor vehicle is operated and controlled by a  
10 farmer and not used in the operations of a common motor carrier or contract motor  
11 carrier, as defined in s. 194.01 (1) and (2). In this paragraph, “controlled” means  
12 leased or owned; and “farmer” and “leased” have the meanings given in s. 340.01 (18)  
13 (b).

14           **SECTION 1x.** 343.055 (3) of the statutes is amended to read:

15           343.055 (3) VEHICLES TRANSPORTING HAZARDOUS MATERIALS, CARRYING PASSENGERS  
16 OR TOWING DOUBLE OR TRIPLE TRAILERS NOT WAIVED. Nothing in this section authorizes  
17 the operation of a combination vehicle with double or triple trailers, a vehicle  
18 transporting hazardous materials requiring placarding except as provided in sub. (1)  
19 (c), or a vehicle carrying or designed to transport the driver and 15 or more persons,  
20 by a person who does not hold a valid operator’s license properly endorsed to permit  
21 such operation.”.

22           **5.** Page 3, line 2: after that line insert:

23           “**SECTION 3c.** 343.16 (1) (a) of the statutes is amended to read:

1           343.16 (1) (a) *General.* The department shall examine every applicant for an  
2 operator's license, including applicants for license renewal as provided in sub. (3),  
3 and every applicant for authorization to operate a vehicle class or type for which the  
4 applicant does not hold currently valid authorization, other than an instruction  
5 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants  
6 for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or  
7 "Class M" vehicles shall include both a knowledge test and an actual demonstration  
8 in the form of a driving skills test of the applicant's ability to exercise ordinary and  
9 reasonable control in the operation of a representative vehicle. The department shall  
10 not administer a driving skills test to a person applying for authorization to operate  
11 "Class M" vehicles who has failed 2 previous such skills tests unless the person has  
12 successfully completed a rider course approved by the department. The department  
13 may, by rule, exempt certain persons from the rider course requirement of this  
14 paragraph. The driving skills of applicants for endorsements authorizing the  
15 operation of commercial motor vehicles equipped with air brakes, the transportation  
16 of passengers in commercial motor vehicles or the operation of school buses, as  
17 provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration  
18 of driving skills. The department may endorse an applicant's commercial driver  
19 license for transporting hazardous materials requiring placarding, or the operation  
20 of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04  
21 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering  
22 the knowledge test, the department shall attempt to accommodate any special needs  
23 of the applicant. Except as may be required by the department for an "H" or "S"  
24 endorsement, the knowledge test is not intended to be a test for literacy or English

1 language proficiency. This paragraph does not prohibit the department from  
2 requiring an applicant to correctly read and understand highway signs.

3 **SECTION 3g.** 343.17 (3) (d) 1m. of the statutes is amended to read:

4 343.17 (3) (d) 1m. “H” endorsement, which authorizes the driver to operate  
5 vehicles transporting hazardous materials requiring placarding.

6 **SECTION 3L.** 343.28 (1) of the statutes is amended to read:

7 343.28 (1) Whenever a person is convicted of a moving traffic violation under  
8 chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court  
9 in which the conviction occurred, or the justice, judge or magistrate of a court not  
10 having a clerk, shall, as provided in s. 345.48, forward to the department the record  
11 of such conviction. The record of conviction forwarded to the department shall state  
12 whether the offender was involved in an accident at the time of the offense, whether  
13 the offender was operating a commercial motor vehicle at the time of the offense and,  
14 if so, whether the offender was transporting hazardous materials requiring  
15 placarding or operating a vehicle designed to carry, or actually carrying, 16 or more  
16 passengers, including the driver. Whenever a person is convicted of exceeding a  
17 posted speed limit, the record of conviction forwarded to the department shall  
18 include the number of miles per hour in excess of the posted speed limit.

19 **SECTION 3p.** 343.28 (2) of the statutes is amended to read:

20 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31  
21 makes mandatory the revocation by the secretary of such person’s operating  
22 privilege, the court in which the conviction occurred shall require the surrender to  
23 it of any license then held by such person. The clerk of the court, or the justice, judge  
24 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the  
25 department the record of conviction and any surrendered licenses. The record of

1 conviction forwarded to the department shall state whether the offender was  
2 involved in an accident at the time of the offense, whether the offender was operating  
3 a commercial motor vehicle at the time of the offense and, if so, whether the offender  
4 was transporting hazardous materials requiring placarding or operating a vehicle  
5 designed to carry, or actually carrying, 16 or more passengers, including the driver.

6 **SECTION 3t.** 343.315 (2) (b) of the statutes is amended to read:

7 343.315 (2) (b) If any of the violations listed in par. (a) occurred in the course  
8 of transporting hazardous materials requiring placarding on or after July 1, 1987,  
9 the person shall be disqualified from operating a commercial motor vehicle for a  
10 3-year period.

11 **SECTION 3x.** 343.315 (2) (i) of the statutes is amended to read:

12 343.315 (2) (i) If the violation listed in par. (h) occurred in the course of  
13 transporting hazardous materials requiring placarding or while operating a vehicle  
14 designed to carry, or actually carrying, 16 or more passengers, including the driver,  
15 the person shall be disqualified from operating a commercial motor vehicle for 180  
16 days upon a first conviction, or for a 3-year period for a 2nd or subsequent conviction,  
17 arising from separate occurrences committed within a 10-year period while driving  
18 or operating a commercial motor vehicle. A disqualification under this paragraph  
19 shall be in addition to any penalty imposed under s. 343.44.”.

20 **6.** Page 3, line 8: after that line insert:

21 **“SECTION 4m.** 345.11 (2m) (b) of the statutes is amended to read:

22 345.11 (2m) (b) Whether the vehicle was transporting hazardous materials  
23 requiring placarding.”.

24 (END)